

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHYANN MARIE DUPREE,

Defendant.

CR-13-45-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 2, 2018. (Doc. 66.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on July 31, 2018. (Doc. 62.) Dupree admitted that she violated the conditions of her supervised release. Dupree violated the conditions of her supervised release by (1) possessing a controlled substance; (2) using a controlled substance; (3) consuming alcohol; (4) failing to report for substance abuse treatment; (5) possessing a controlled substance; and (6) using a controlled substance. (Doc. 66 at 6.) Dupree denied that she possessed and used a controlled substance on June 21, 2018. *Id.* Dupree further denied that she committed another federal, state, or local crime. *Id.* The United States did not put on evidence regarding these allegations. *Id.* The violations prove serious and warrant revocation of Dupree's supervised release. Judge Johnston has recommended that the Court revoke Dupree's supervised release and commit Dupree to the custody of the Bureau of Prisons for nine months. *Id.* at 7. Judge Johnston further has recommended no period of supervised release to follow her custody period. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Dupree's violations of her conditions represent a serious breach of the Court's trust. The sentence imposed represents a sufficient, but not greater than necessary, sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 66) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Shyann Marie Dupree be sentenced to custody for nine months, followed by no term of supervised release.

DATED this 17th day of August, 2018.



Brian Morris
United States District Court Judge